

FILED 07 NOV '12 11:54 USDC-ORP

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

3:96-CR-00311-HA-2

v.

**ORDER TO REDUCE TERM OF
IMPRISONMENT TO TIME SERVED**

ANTONIO RODRIGUEZ-PRECIADO,

Defendant.

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Antonio Rodriguez-Preciado, to time served, and commencement of a non-reporting five-year term of supervised release previously imposed. The court finds:

1. Antonio Rodriguez-Preciado was found guilty of violating 21 U.S.C. § 841(a)(1)(A), 21 U.S.C. § 846, and 18 U.S.C. § 2, Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine, Cocaine, 3, 4 Methylenedioxy Methamphetamine or (MDMA), 3, 4 Methylenedioxy Amphetamine (MDA); 21 U.S.C. § 841(A)(1), Distribution of Methamphetamine; and 21 U.S.C. § 841 (a)(1), Possession with Intent to Distribute Methamphetamine.

////

////

2. Mr. Rodriguez-Preciado was sentenced on June 16, 2003, by the Honorable Ancer L. Haggerty, Senior Judge in the United States District Court for the District of Oregon, to three concurrent terms of 235 months of imprisonment followed by a five-year term of supervised release. His Good Conduct Release date is September 2, 2018, but he is unlikely to survive to that date.

3. Mr. Rodriguez-Preciado, age 57, has been diagnosed with Stage IV colon cancer with metastases to the ureter. Despite aggressive treatment his condition continues to deteriorate. His prognosis is poor and physicians estimate his life expectancy at less than six months.

4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this court agrees, that the Defendant's terminal medical condition and very limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons, to return to Mexico, as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

////

////

////

////

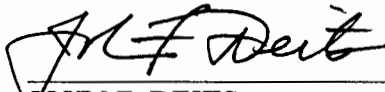
IT IS FURTHER ORDERED that Mr. Rodriguez-Preciado is not authorized, upon his release from the custody of the Federal Bureau of Prisons to re-enter the United States absent specific permission from the U.S. Attorney, the Department of Homeland Security, and the U.S. Probation Officer. He shall begin serving the non-reporting five-year term of supervised release previously imposed.

Dated this 7 day of November 2012.


ANCER L. HAGGERTY
United States District Judge

Presented by:

S. AMANDA MARSHALL
United States Attorney


JOHN F. DEITS
Assistant United States Attorney